

EXHIBIT E

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Before The Honorable James Donato, Judge

COREPHOTONICS,)	
)	
Plaintiff,)	
)	
VS.)	CASE NO. 17-CV-06457 JD
)	
APPLE, INC.,)	
)	
Defendant.)	
_____)	

San Francisco, California
Thursday, October 5, 2023

TRANSCRIPT OF PROCEEDINGS

APPEARANCES:

For Plaintiff:

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REPORTED BY: Marla F. Knox, CSR No. 14421, RPR, CRR, RMR
United States District Court - Official Reporter

Thursday - October 5, 2023

10:50 a.m.

P R O C E E D I N G S

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THE CLERK: Calling civil 17-6457, Corephotonics Limited, versus Apple, Inc.

(Pause in proceedings.)

THE CLERK: Counsel.

MR. FENSTER: Good morning, Your Honor, Marc Fenster for the Plaintiff Corephotonics.

MR. LEDAHL: Good morning, Your Honor, Brian Ledahl, also for Plaintiff Corephotonics.

MR. TSUEI: Good morning, Your Honor, James Tsuei, here also for Plaintiff Corephotonics.

MS. KEEFE: Good morning, Your Honor, Heidi Keefe from Cooley on behalf of Apple, Inc.

MS. VISWANATH: Good morning, Your Honor, Priya Viswanath, also on behalf of Apple, Inc.

MR. MEAD: Good morning, Your Honor, Lowell Mead, also on behalf of Apple.

THE COURT: Okay. Claim construction. So, I think all I really need today are fused, fusion -- the fuse ones; okay. So I just need fused, fusion, fusion output image, without fusion output image, that's one set, and also lens assembly. That's really all I need. I think I can do the rest. So who from Corephotonics?

1 **THE COURT:** I understand that but they have a right
2 to, you know, make sure this is all right. And so -- in other
3 words, we don't just -- you know, there is nothing about you
4 personally but we just don't -- you just don't come in and say
5 "Don't worry about it." They have the right to examine the
6 premise.

7 **MR. FENSTER:** All assignments have to be recorded with
8 the Patent and Trademark Office. The patents have always been
9 and remain owned by Corephotonics.

10 **THE COURT:** It sounds to me like it's a more nuanced
11 question than just whether there has been a blunt force
12 assignment.

13 So just produce it. Just produce the SPA. I mean, just
14 that one document. Start with that; okay. Just take a look at
15 it. Make it attorneys' eyes only or outside counsels' eyes
16 only. Nobody at Apple can know anything about it; okay.

17 And I have looked at SPAs and other similar acquisition
18 agreements in the past. I don't think you are going to find it
19 that useful; but if you want to see it, I'm not going to say
20 no.

21 Once you get this, how is that going to advance the
22 settlement discussions?

23 **MS. KEEFE:** It very well could, Your Honor, because
24 one of the real issues is around control and whether or not
25 Samsung has control over Corephotonics which could give Apple

1 **THE COURT:** It seems like you should be asking other
2 questions. Is discovery closed? I have forgotten.

3 **MS. KEEFE:** Discovery is not closed, Your Honor.

4 **THE COURT:** Take some depositions of Corephotonics and
5 Samsung on their relationship. That would be a better way of
6 doing it than just --

7 **MS. KEEFE:** Those are all noticed up as well, Your
8 Honor, but the very fact that they won't produce the agreements
9 by which they came into being purchased tells me that I'm going
10 to be right back here in front of Your Honor again because --

11 **THE COURT:** You are going to get the SPA; okay. You
12 can have that. Attorneys' eyes only and then -- you can do it
13 in discovery, but let's not -- the point I'm making is control
14 is often a complicated and sophisticated issue. Okay.

15 **MS. KEEFE:** I understand that, Your Honor.

16 **THE COURT:** So just reading a purchase -- stock
17 purchase agreement is almost certainly not going to answer
18 control in the sense you are using it here, at least the way
19 I'm hearing it.

20 So use it for depositions. You know, you don't even need
21 the agreement. You can just ask: "Who controls
22 Corephotonics," you know --

23 **MS. KEEFE:** And they have told us --

24 **THE COURT:** -- and take it from there.

25 **MS. KEEFE:** They have told us that three of the five

CERTIFICATE OF REPORTER

I certify that the foregoing is a correct transcript
from the record of proceedings in the above-entitled matter.

DATE: October 10, 2023



Marla F. Knox, CSR No. 14421, RPR, CRR, RMR
United States District Court - Official Reporter